

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

CARL G. SIMPSON AND BONNIE REED  
SIMPSON, CO-ADMINISTRATORS  
OF THE ESTATE OF CARL D. SIMPSON,

**COPY**

Plaintiffs,

vs.

Case No. C-1-00-0014

INTERMET CORPORATION, ET AL.,

Defendants.

DEPOSITION OF FRANK ARTHURS

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The deposition of Frank Arthurs was taken on  
November 8, 2001, at the approximate hour of 12:30 p.m., at  
215 South Fourth Street, Ironton, Ohio.

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ELITE COURT REPORTING  
13 Carriage Way  
Hurricane, West Virginia 25526  
(304) 757-1122

BRANDY D. FRAZIER

Appearances:

Randall L. Lambert  
D. Scott Bowling  
Attorneys at Law  
Lambert, McWhorter & Bowling  
Post Office Box 725  
Ironton, OH 45638

Patricia Anderson Pryor  
Attorney at Law  
Taft, Stettinius & Hollister  
425 Walnut Street  
Cincinnati, OH 45202-3957

Nancy J. Bride  
Attorney at Law  
Greenebaum, Doll & McDonald  
255 East Fifth Street  
Cincinnati, OH 45202-4728

Robert A. Flaughner  
Attorney at Law  
Lane, Alton & Horst  
175 South Third Street  
Columbus, OH 43215-5100

INDEX

<u>WITNESS</u>	<u>EXAMINATION</u>	<u>PAGE NO.</u>
Frank Arthurs	Mr. Lambert	03
	Ms. Pryor	31
	Ms. Bride	35
	Mr. Flaughner	42
	Mr. Lambert	46
	Ms. Pryor	47

<u>EXHIBITS</u>	<u>PAGE NO.</u>
None	

Reporter's Certification - 49  
Errata Sheet/Signature Page - Waived

1 Q. When was that?  
 2 A. From '93 to '97.  
 3 Q. Then did you return?  
 4 A. Yes.  
 5 Q. What position did you return to?  
 6 A. Core room general foreman.  
 7 Q. Did you stay in that position until the shutdown?  
 8 A. No.  
 9 Q. What position did you then take?  
 10 A. From there, I went to area manager of the spo  
 11 molding line.  
 12 Q. Spo, S-P-O?  
 13 A. Uh-huh (affirmative response).  
 14 Q. All right.  
 15 A. Then from there, I went to area manager over the  
 16 I-beam line.  
 17 Q. When did you go to area manager of the I-beam?  
 18 What year at least?  
 19 A. '99.  
 20 Q. Spring, summer, fall?  
 21 A. Fall.  
 22 Q. Maybe this will help give us a time table. We're  
 23 here regarding the injuries to Carl Simpson which occurred  
 24 September 21st, '99. Were you an area manager in the

1 helped remind me.  
 2 A. It's been a while.  
 3 Q. I understand. While you're thinking, regarding  
 4 Roger Ramey, was he, at one time, an area supervisor also?  
 5 A. Yes.  
 6 Q. He initially was a supervisor -- was he an area  
 7 supervisor while you were there or a supervisor on the line  
 8 while you were there?  
 9 A. He was a supervisor on the line when I was there.  
 10 He was the area supervisor when I came to the I-beam. When  
 11 I took that possession, he went back to the molding  
 12 supervisor.  
 13 Q. What type of training were you given regarding  
 14 the I-beam line whenever you moved there two or three  
 15 months before Mr. Simpson's injuries?  
 16 A. Other than just standard training as far as  
 17 monthly safety meetings and that type of thing and hands-on  
 18 training that I've had over the past 15 years, that was it.  
 19 Q. You had never been on the I-beam line before you  
 20 moved there as the area manager?  
 21 A. No.  
 22 Q. Did you have any training -- at the time they  
 23 were moving you to the I-beam, did you have any training on  
 24 the operation of the machine, such as the Sutter machine?

1 I-beam division when the injuries occurred to Carl Simpson?  
 2 A. Yes.  
 3 Q. How long had you been in the I-beam department at  
 4 that point?  
 5 A. Three months, two or three months.  
 6 Q. Did you know Carl?  
 7 A. Yes.  
 8 Q. Had you known him before you went over to the  
 9 I-beam?  
 10 A. No.  
 11 Q. As I understand from other people -- and I'm  
 12 going to summarize this. If you disagree or have a  
 13 different version, let me know. There were basically three  
 14 supervisors in the I-beam, and those supervisors then were  
 15 under the area manager, which is a position you took in the  
 16 fall of '99?  
 17 A. Yes.  
 18 Q. Do you recall who the supervisors were under you  
 19 in the different areas when you went to I-beam department?  
 20 A. Pat Virgin, Roger Ramey, Mike Gullet, for a  
 21 period of time.  
 22 Q. Gerald Wilburn?  
 23 A. Yes.  
 24 Q. He was here earlier today. That's the reason it

1 A. When you say "training," do you mean formal  
 2 training?  
 3 Q. Yes.  
 4 A. No.  
 5 Q. More on-the-job training? You basically came  
 6 into the position and learned after you got there?  
 7 A. Yes.  
 8 Q. Was there a former area supervisor or a  
 9 supervisor above the area manager that provided any  
 10 on-the-job training to you?  
 11 A. No.  
 12 Q. Who was your immediate supervisor during the  
 13 three to four months that -- or during the time you were  
 14 the area manager on the I-beam?  
 15 A. Dave Tatki.  
 16 Q. Do you know how to spell his last name?  
 17 A. T-A-T-K-I, I think. He was the manufacturing  
 18 manager.  
 19 Q. Do you know how long he'd been in that position?  
 20 A. No, I don't. I could guess, but I don't.  
 21 Q. What's your best guesstimate of how long he had  
 22 been in that position at Ironton?  
 23 A. Less than six months.  
 24 Q. Well, let me ask this. Were you given any

1 training regarding safety on the I-beam before you became  
2 the area manager?

3 A. We had monthly safety training sessions that I  
4 either participated in or conducted.

5 Q. Now, you were -- were there three area managers,  
6 basically, for the three shifts at the time you were there?

7 A. For the I-beam?

8 Q. Yes.

9 A. No.

10 Q. One area manager?

11 A. One area manager and three supervisors.

12 Q. You had three supervisors on each shift; is that  
13 right?

14 A. Yes.

15 Q. The monthly training, were you responsible for  
16 that, or were the supervisors of each area of the I-beams  
17 responsible for the training?

18 A. The supervisors were directly responsible. It  
19 was my job to see that the meetings were conducted and  
20 recorded properly and that kind of thing.

21 Q. The information regarding the training was  
22 supplied through the training --

23 A. Program, yes.

24 Q. -- the director of training, I think, who was

1 line?

2 A. No.

3 Q. You were never asked or told by any supervisors  
4 to make some type of evaluation or survey of any safety  
5 concerns on the I-beam?

6 A. No, not that I can recall.

7 Q. Prior to taking over the area manager of the  
8 I-beam or just after, were you given any direction by any  
9 of your supervisors or any of the safety personnel  
10 regarding the enforcement of tagout/lockout procedures?

11 A. I'm sorry. Say that again.

12 Q. Sure. Were you ever given any directions or  
13 information from the safety coordinator or any of your  
14 supervisors regarding enforcement of the tagout/lockout  
15 procedures?

16 A. We were trained in tagout/lockout procedures.  
17 Then, in turn, we trained employees as one of the  
18 monthly --

19 Q. So you did have special training on the  
20 tagout/lockout regarding the I-beam separate from the  
21 monthly meetings with the employees?

22 A. We had a tagout/lockout procedure, and I don't  
23 recall if it pertained directly to the I-beam or if it was  
24 a general --

1 Mr. Purdue?

2 A. Yes.

3 Q. Other than attending these monthly meetings, you  
4 did not have any specific training on the I-beam and  
5 specifically on the Sutter machine regarding safety prior  
6 to becoming the area manager, correct?

7 A. Correct.

8 Q. Did you attend those monthly meetings?

9 A. Yes.

10 Q. Was that, number one, as the area manager and,  
11 number two, to gain safety knowledge since you were new to  
12 the area?

13 A. Yes.

14 Q. While you were there, did you develop any  
15 additional safety guidelines or training or seek any  
16 additional safety training for the people working in that  
17 area?

18 A. Not that I can recall.

19 Q. Were you familiar with the operation of the  
20 Sutter machine before you became the area manager?

21 A. No.

22 Q. After you became the area manager of the I-beam,  
23 did you make any evaluations of any of the machines or the  
24 line to determine if there were any safety problems in the

1 Q. Overall --

2 A. -- overall lockout procedure.

3 Q. There was a procedure in place that you were  
4 aware of?

5 A. Yes.

6 Q. As far as any specific training or set-down  
7 meetings for supervisors or area managers or for you as a  
8 new area manager, there was no such training program,  
9 specific training time, or training procedure that you were  
10 involved in?

11 A. There was a training matrix that I can remember  
12 that had a topic for each month. I can't recall the  
13 topics, but, I mean, tagout/lockout was one procedure.  
14 There's various other --

15 Q. From everybody else, I understand -- I think what  
16 you're saying -- other than this monthly safety meeting  
17 that occurred, which the supervisor basically presented to  
18 the employees, was there any other training program,  
19 training class, training session, whatever you want to call  
20 it, specifically for you as a new area manager or for  
21 supervisors separate from these monthly safety meetings  
22 that was presented to the men?

23 A. Not that I can recall, no.

24 Q. Basically, these monthly safety meetings we're

Page 15

Page 16

1 talking about basically involved the use of a video that  
2 was supplied and played to the men, correct?

3 A. Yes.

4 Q. These would generally last about 10 to 15  
5 minutes, these safety meetings?

6 MRS. PRYOR: Objection.

7 MR. LAMBERT: If someone objects, go  
8 ahead an answer unless someone tells you not too, okay?

9 A. They varied, depending on who conducted the  
10 meeting, from 10 minutes to 30 minutes.

11 Q. Were they generally held at the end of a shift?

12 A. Not necessarily.

13 Q. I believe someone may have said if there was a  
14 shutdown, the men may be -- at that time, you know --

15 A. Right.

16 Q. -- participate in a safety meeting if they were  
17 going to be down awhile?

18 A. Yes.

19 Q. Other than the information you yourself gained at  
20 these monthly meetings, were you given any additional  
21 safety information regarding the I-beam line just prior to  
22 or after you became the area manager?

23 A. No.

24 Q. Other than the general procedures regarding

1 lockout/tagout that you were aware of and any information  
2 gained in the monthly safety meetings, did any supervisor  
3 of you ever give you any specific instructions regarding  
4 enforcement of the tagout/lockout procedures?

5 A. No, not that I can recall.

6 Q. After you became area manager, I assume you  
7 observed the I-beam, partially, to basically learn about  
8 the operation of the I-beam?

9 A. Yes.

10 Q. As part of this learning observation and learning  
11 process, did you observe times when employees would be  
12 shutting the Sutter machines down to clean out stickers?

13 A. Yes, I observed that.

14 Q. Did you observe that early on, as soon as you  
15 became the area manager of the I-beam?

16 A. What's early on?

17 Q. Well, I mean the first few days.

18 A. Yes. I mean, it was a pretty common occurrence.

19 Q. At that time, did you observe that, at times,  
20 employees would tag out and lock out while they were  
21 removing stickers and, at times, they would not?

22 A. No, I did not observe that.

23 Q. Is it your recollection that they always used the  
24 tagout/lockout procedure when they were removing stickers

Page 17

Page 18

1 from the Sutters?

2 A. I personally never saw anyone not tag or lock out  
3 a machine and get in it.

4 Q. How frequently would you be specifically in the  
5 area where you would observe employees during removal of  
6 stickers?

7 A. Two, three times a day.

8 Q. Did you yourself ever have any specific  
9 discussions with your supervisors that were under you  
10 regarding the sticker removal procedure?

11 A. Not that I can recall, no.

12 Q. Did you ever have any specific discussions with  
13 your supervisors regarding enforcement of the  
14 tagout/lockout procedure?

15 A. Yes. There's nothing recorded but, verbally,  
16 yes.

17 Q. What were those discussions, if you can recall?

18 A. I mean, I would caution the supervisors to make  
19 sure that everyone was locked out and tagged out, following  
20 procedures, that type of thing.

21 Q. Did any of your supervisors ever inform you that  
22 there were times employees would be removing stickers that  
23 they did not carry out the lockout/tagout procedure?

24 A. No, not that I can remember.

1 Q. After you became the area manager of the I-beam,  
2 did you learn of prior instances regarding the Sutter  
3 machines where employees had been injured or had had  
4 occasions that they were near injuries with the operation  
5 of the Sutter machines during the time they were cleaning  
6 stickers out of the machines?

7 A. No.

8 Q. Were there ever any injuries on the Sutter  
9 machine regarding the machine itself or the operation of  
10 the machine while you were the area manager? I know you  
11 were there just a short period of time, but...

12 A. There could have been. I don't recall. There  
13 was accidents, you know, on numerous occasions. I don't  
14 know if -- I can't remember that any happened that way.

15 Q. Okay. Were you present when Mr. Simpson was  
16 injured?

17 A. No.

18 Q. Were you working that day?

19 A. Yes.

20 Q. Were you on the job at that time and just not  
21 physically present?

22 A. Yes. I was in my office.

23 Q. Where is your office located in relationship to  
24 the Sutter machines?

1 A. From '86 to '93?

2 Q. Yes.

3 A. Yes.

4 MR. LAMBERT: I don't have any more  
5 questions at this time. I think the other attorneys will  
6 have some questions for you.

7 EXAMINATION

8 BY MRS. PRYOR:

9 Q. Mr. Arthurs, my name is Patty Pryor. I represent  
10 Internet in this action. I'm going to ask you a few  
11 questions to just kind of follow up, maybe clarify some  
12 things I've missed.

13 Let's go back a little bit. You worked at  
14 Dayton Walther two different times?

15 A. One time.

16 Q. That was in between your time at Ironton?

17 A. Yes.

18 Q. Did they have Sutter machines at Dayton Walther?

19 A. No.

20 Q. You also testified about Roger Ramey. You said  
21 he was an area supervisor before you became area supervisor  
22 for the I-beam?

23 A. Yes.

24 Q. How long was he area supervisor of the I-beam?

1 Q. Were these concerns addressed during the meeting  
2 or were they taken to someone else to be addressed later?

3 A. Both. If it was something we could address in  
4 the meeting, we certainly did so. If it was something that  
5 needed participation from other departments or whatever...

6 Q. So if an employee brought up some kind of  
7 concern, you or someone else at Internet would address that  
8 concern --

9 A. Yes.

10 Q. -- and help to work to correct it?

11 A. Yes.

12 Q. Did Ironton Iron or Internet, whatever the  
13 company's name was, ever require employees to enter a  
14 Sutter machine without it being locked out?

15 A. No.

16 Q. In fact, employees were instructed to lock out  
17 before they ever climbed into a machine?

18 A. Yes.

19 Q. Was the Sutter machine a safe machine, in  
20 general?

21 A. Yeah.

22 Q. I think you testified about guarding, that  
23 guarding made the machine safer. Did you testify that the  
24 guarding that was placed on the machine after the Simpson

1 Do you know? Was it, like, a short time period?

2 A. Yes, it was a short time.

3 Q. Do you know if he was there only as a temporary  
4 fill-in?

5 A. Yes.

6 Q. He was just a temporary fill-in?

7 A. This was my understanding, that he was temporary.

8 Q. Afterwards, when you took over, he was under you?

9 A. Yes.

10 Q. What kind of employee was Roger Ramey? Was he a  
11 good supervisor, you think?

12 A. Roger was a little abrasive, but he got the job  
13 done. That would be my opinion.

14 Q. He was abrasive. He had some problems with other  
15 employees complaining about him?

16 A. Yes.

17 Q. You testified about some safety meetings. I  
18 think they were once a month.

19 A. Yes.

20 Q. Generally, a video was shown?

21 A. Yes.

22 Q. Were employees allowed to ask questions, bring up  
23 concerns or safety issues they had observed?

24 A. Yes.

1 injury made the machine safer?

2 A. Yes, I said that.

3 Q. Do you know whether guarding would have helped  
4 save Carl Simpson?

5 A. No, I do not.

6 Q. You're not really positive how --

7 A. Right. And, my opinion is, no, it wouldn't have,  
8 but...

9 Q. Did you ever instruct an employee not to lock out  
10 a machine?

11 A. No, ma'am.

12 Q. Did you ever hear anyone else instructing an  
13 employee not to lock out a machine?

14 A. No.

15 Q. Were you ever instructed by anyone not to lock  
16 out a machine or to not let other employees lock out a  
17 machine?

18 A. No.

19 Q. If you found out that one of the supervisors  
20 underneath you was allowing employees not to lock out a  
21 machine, would you have taken disciplinary action against  
22 that supervisor?

23 A. Yes.

24 MRS. PRYOR: I have no further